

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 2:07CR101**

**LENARD McKINNEY**

**ORDER**

This cause is before the Court on the defendant's Motion to Continue [11]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on November 5, 2007. In support of the motion, defense counsel avers that he requires additional time to undertake investigative efforts necessary to an effective defense of this matter. Upon The government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from November 5, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant McKinney' Motion to Continue [11] is GRANTED;
2. That the trial of this matter is continued defendants until Monday, December 17, 2007 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from November 5, 2007 until December 17, 2007 is excluded as set out above;
4. That the deadline for filing pretrial motions is November 26, 2007;
5. That the deadline for submitting a plea agreement is December 3, 2007.

SO ORDERED, this the 1<sup>st</sup> day of November, 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE